

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Periodic Reporting
(UPS Proposals One, Two, and Three)

Docket No. RM2016-2

PRESIDING OFFICER'S RULING GRANTING MOTION FOR EXTENSION

(Issued December 22, 2015)

On December 18, 2015, United Parcel Service, Inc. (UPS) filed a motion seeking an extension of time to submit responses to Chairman's Information Request (CHIR) No. 4.¹ In particular, UPS seeks to extend the deadline for submitting responses to CHIR No. 4 from December 31, 2015, to January 8, 2016. UPS Motion for Extension at 1. UPS explains that the confluence of peak parcel volumes, the close of the company's fiscal year on December 31, 2015, and the vacation plans of certain personnel means that employees critical to the preparation of responses will be unavailable. *Id.* at 1-2. UPS further argues that the short extension "will not cause prejudice to the Postal Service or any other interested party." *Id.* at 2. Finally, UPS notes that the Postal Service does not object to the proposed extension in principle, but that, depending on the extent of UPS' responses, it "may seek an extension of up to one week in order to supplement its initial comments." *Id.*

¹ United Parcel Service, Inc.'s Motion for Extension of Time to Respond to Chairman's Information Request Four, December 18, 2015 (UPS Motion for Extension); Chairman's Information Request No. 4, December 17, 2015 (CHIR No. 4).

On December 21, 2015, Amazon Fulfillment Services, Inc. (Amazon) filed a response opposing the UPS Motion for Extension.² In its Response, Amazon states that it “does not oppose the requested extension” so long as “the January 20 deadline for comments by other parties is extended by the same amount [of time].” Response at 1. Amazon argues that, without a corresponding extension of the deadline for comments, other parties will be materially prejudiced because they will only have 12 days to respond to UPS’ responses. *Id.* at 1-2. Amazon asserts that UPS’ responses to CHIR No. 4 are “likely to be lengthy, detailed and time-consuming to analyze and respond to.” *Id.* at 2. In support, Amazon explains that UPS’ responses to CHIR No. 1 were 42 pages long and that they included “extensive citations to documentary information and economic literature.” *Id.* Finally, Amazon notes that it and likely other interested parties, “also must deal with time-consuming end-of-year reporting obligations, a seasonal peak in transactions in December, and employee vacation schedules.” *Id.*

Extensions of time may be granted as a matter of discretion upon a motion for good cause shown. See 39 C.F.R. § 3001.16. The Presiding Officer finds that the reasons cited by UPS provide the requisite showing of good cause. No party would be adequately served if UPS were forced to file substandard responses due to the unavailability of critical personnel. While the Presiding Officer is sympathetic to the arguments made by Amazon, he finds that its request for a corresponding extension of the deadline for comments is premature. The nature and extent of UPS’ response to CHIR No. 4 is not yet known. Accordingly, the UPS Motion for Extension is granted. The revised deadline for the submission of responses to CHIR No. 4 shall be no later than January 8, 2016.

Robert G. Taub
Presiding Officer

² Response of Amazon Fulfillment Services, Inc., to Motion of United Parcel Service, Inc. for Extension of Time to Respond to Chairman’s Information Request No. 4, December 21, 2015 (Response).